

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MAX SHELTON, Receiver for Forest Hill Funeral Home and Park-Estate, LLC)	
)	
Plaintiff,)	
)	
v.)	No. 09-2258-STA
)	
MARK ZAUSMER, as Conservator for certain cemeteries domiciled in the State of Michigan, and MIDWEST MEMORIAL GROUP, LLC)	
)	
Defendants.)	

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is Defendant Mark Zausmer’s Motion to Dismiss (D.E. # 8) filed on May 19, 2009, and Defendant Midwest Memorial Group, LLC’s Motion to Dismiss (D.E. # 9) filed on May 19, 2009. The Magistrate Judge recommended that Defendants’ Motions be granted and the case dismissed. Plaintiff has filed no timely objections to the Magistrate Judge’s Report and Recommendation. Having reviewed the Magistrate Judge’s report and recommendation de novo, and the entire record of the proceeding, the Court hereby ADOPTS the Magistrate Judge’s report and **GRANTS** Defendant Zausmer’s Motion to Dismiss and Defendant Midwest Memorial Group’s Motion to Dismiss.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: January 7th, 2010